

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7619

Petition of National Mobile Communications,)
Inc., d/b/a Sovernet Communications, for)
designation as an Eligible Telecommunications)
Carrier in areas served by non-rural telephone)
companies under the Telecommunications Act of)
1996)

Order entered: 12/9/2011

ORDER RE LIFELINE AND LINK UP COMPLIANCE FILING

I. INTRODUCTION

On April 15, 2011, the Public Service Board ("Board") issued an Order designating National Mobile Communications, Inc., d/b/a Sovernet Communications ("Sovernet"), an Eligible Telecommunications Carrier ("ETC") under 47 U.S.C. § 214(e) for a service area consisting of 92 wire centers in areas served by Vermont's non-rural telephone companies. In that Order, the Board imposed a number of conditions on the designation and directed Sovernet to make a number of compliance filings to fulfill those conditions.¹

On June 14, 2011, Sovernet filed its compliance materials in response to the Board's April 15, 2011, Order.

On October 27, 2011, the Board issued an Order approving all of Sovernet's compliance filings with the exception of its marketing and outreach plan for the Lifeline and Link-Up programs ("Outreach Plan") because Sovernet failed to include these two programs in its advertising in media of general distribution throughout the area for which it sought ETC

1. The required compliance filings consisted of: (1) a five-year plan demonstrating how high-cost universal service support will be used to improve Sovernet's coverage, service quality or capacity in every wire center for which it sought designation and expected to receive support; (2) Sovernet's disaster recovery plan; (3) an acknowledgment that Sovernet may be required to provide equal access if all other ETCs in the designated service area relinquish their designations; (4) a report describing the types of customer complaints that Sovernet tracks and how it tracks them in addition to network trouble report rates; and (5) a plan that describes the marketing and outreach efforts Sovernet will utilize in advertising the availability of the Lifeline and Link-Up programs, and an explanation of how it will be effective in reaching eligible consumers.

designation. The October 27 Order directed Sovernet to file within 30 days an amended Outreach Plan "which clearly and expressly states that it will advertise the availability of the Lifeline and Link-Up programs in media of general distribution in the designation area, and in a manner that is reasonably likely to alert qualified individuals to the existence of these programs."² On April 15 of each year, Sovernet must file a certification with the Board describing the marketing and outreach efforts it undertook in the previous year.³

On November 28, 2011, Sovernet filed an amended Outreach Plan.

No other party filed comments on Sovernet's amended Outreach Plan.

II. DISCUSSION

With respect to its obligation to advertise the availability of Lifeline and Link-Up in media of general distribution in a manner that is reasonably likely to alert qualified individuals to the existence of these programs,⁴ Sovernet's amended Outreach Plan states that it advertises its services in media that are generally available throughout its designated ETC service area in Vermont. Those media outlets include Vermont's public radio and television stations, local newspapers, telephone directory advertising, event programming and Sovernet's website. Out of these various media outlets, Sovernet's newspaper advertisements will contain information alerting readers to the existence of the Lifeline and Link-Up programs.⁵

We conclude that Sovernet's use of generally available newspaper advertising to publicize the availability of the Lifeline and Link-Up programs is minimally sufficient to meet the condition imposed in our April 15, 2011, Order, provided the advertisements are placed in newspapers, with sufficient frequency, that are generally available throughout Sovernet's ETC designation area, and those advertisements present the information in a clearly legible and understandable format. Accordingly, we are conditioning our approval on the requirement that

2. Docket 7619, Order of 10/27/11 at 3.

3. Docket 7619, Order of 4/15/11 at 32.

4. *See*, 47 C.F.R. §§ 54.405(b), 54.411(d) and Docket 7619, Order of 4/15/11 at 32.

5. Amended Outreach Plan at 3. Sovernet also includes information about these two programs on its website and on semi-annual bill inserts. Amended Outreach Plan at 3.

Sovernet include in its annual certification⁶ the identities of the local newspapers in which it placed advertisements concerning the availability of the Lifeline and Link-Up programs, a list of the dates on which the advertisements were published, and a copy of each such advertisement that was published, all for the preceding year. Upon receipt of the annual certification, the Board will review Sovernet's actions for the preceding year to determine their sufficiency in meeting the requirement that Sovernet's advertising was, and will continue to be, reasonably likely to alert qualified individuals to the existence of these programs. The Board reserves the right to take appropriate action in the event Sovernet's efforts fail to meet this important requirement.

III. CONCLUSION

Sovernet's amended Outreach Plan is approved subject to the condition described above.

SO ORDERED.

6. On April 15 of each year, Sovernet must file a certification with the Board describing the marketing and outreach efforts it undertook in the previous year. Docket 7619, Order of 4/15/11 at 32.

Dated at Montpelier, Vermont, this 9th day of December, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: December 9, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)